

REMARKS

This Response responds to the Office Action dated September 30, 2005 in which the Examiner rejected claims 1-2 and 4-13 under 35 U.S.C. §102(b) and stated that claims 14-18 are allowed.

Claim 1 claims an image processing device and claim 4 claims an image processing method for processing images which are recorded in a recording medium. The device comprises commanding different types of processing to be executed for the image by an indicator. Rank data is set up by a controller in accordance with a number of times the different types of processing is commanded by the indicator. A deletion directional member directs deletion of an image recorded in the image recording medium. A compressor compresses the image instead of deleting the image when the deletion of the image is directed. Finally, the compressed image is stored.

Through the structure and method of the claimed invention a) setting up rank data in accordance with the number of times different types of processing is commanded and b) compressing an image instead of deleting an image when deletion of the image is directed as claimed in claims 1 and 4, the claimed invention provides an image processing device and method in which an image which is to be deleted is compressed rather than deleted so that an incorrect operation of the delete button prevents the image from being completely erased. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 4.

Claim 5 claims an image processing device and claim 8 claims an image processing method for processing images which are recorded in a recording medium. The device comprises commanding different types of processing to be executed for the image by an indicator. A recorder records a time when the indicator

commands the different types of processing. A timer measures an elapsed time since the recorder recorded. A controller changes the compression rate, which is set based upon rank for the image data, based on output from the timer or the measured elapsed time and date. The rank is set in accordance with the number of times the different types of processing is commanded.

Through the structure and method of the claimed invention a) setting a compression rate based upon rank for an image where rank is set in accordance with the number of times different types of processing is commanded and b) changing the compression rate based upon elapsed time since an indicator commanded the different types of processing as claimed in claims 5 and 8, the claimed invention provides an image processing device and method which allows the compression rate to be altered in accordance with rank of the image based on history data while decreasing file size. The prior art does not show, teach or suggest the invention as claimed in claims 5 and 8.

Claim 10 claims an image processing device and claim 12 claims an image processing method for processing images which are recorded in a recording medium. The device comprises commanding different types of processing to be executed for an image by an indicator. A controller sets up a rank value based upon a number of times the different types of processing is to be executed for the image. A recorder records a time when the indicator commands the different types of processing. A timer measures an elapsed time since the time when the processing was commanded. A detector detects that the indicator gives no command for a predetermined time or more based upon the output from the timer. The controller sets a lower rank value when no command is given for the image for a predetermined time or more.

Through the structure and method of the claimed invention a) setting up a rank value based upon the number of times different types of processing is to be executed for the image, and b) lowering the rank value when no command is given for a predetermined time or more from elapsed time from when an indicator commanded processing as claimed in claims 10 and 12, the claimed invention provides an image processing device and method which allows history data to be reevaluated over time. The prior art does not show, teach or suggest the invention as claimed in claims 10 and 12.

Claims 1-2 and 4-13 were rejected under 35 U.S.C. §102(b) as being anticipated by *Ichimura* (U.S. Patent No. 6,188,831).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. §102(b). The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

Ichimura states, at column 13, lines 61-63, that when an elapsed time from a recording start time has reached a predetermined set time, a time data storage section 7 outputs a compression trigger timing signal that is the impetus for starting compression of the image data by a compression section 6. In other words, *Ichimura* merely discloses a trigger signal for triggering compression of image data (i.e., a trigger signal for one type of processing, that is, compression processing). Nothing in *Ichimura* shows, teaches or suggests commanding different types of processing to be executed for an image as claimed in claims 1 and 4. Rather, *Ichimura* teaches away from the claimed invention and only discloses triggering a single type of processing (i.e., compression) of the image data.

Additionally, *Ichimura* merely discloses at column 18, lines 52-55, that image data and/or audio data are compressed when a level of importance is low, such as when a preset time has elapsed since the data was stored. Nothing in *Ichimura* shows, teaches or suggests setting up rank data based upon the number of times the different types of processing is commanded as claimed in claims 1 and 4. Rather, *Ichimura* merely discloses compressing data when a preset time has elapsed since the data was stored. Applicants respectfully submit that *Ichimura* merely compresses data based upon time/importance. Therefore, data which is old (long elapsed time) but which is processed a large number of times, will be considered less important in *Ichimura* and will be compressed. However, as claimed in claims 1 and 4, the rank of the data is based upon the number of times the different types of processing is commanded. Therefore, in the invention, old data which has been processed a large number of times will have a high rank, whereas in *Ichimura*, the old data would have a low rank (based only upon time). Thus, *Ichimura* teaches away from the claimed invention since *Ichimura* sets the level of importance based upon elapsed time since data was stored. However, the claimed invention sets up rank data based upon the number of times the different types of processing is commanded.

Also, *Ichimura* merely discloses at column 18, lines 52-57, forming empty capacity in a memory by compressing image or audio data when the level of importance is low, such as when a preset time has elapsed since the data was stored. Nothing in *Ichimura* shows, teaches or suggests compressing an image when directed to delete an image as claimed in claims 1 and 4. Rather, *Ichimura* merely discloses compressing data to form empty capacity. Applicants respectfully submit that compressing image data or audio data based upon a preset elapsed time

is different from being directed to delete an image as claimed in claims 1 and 4. In other words, *Ichimura* merely discloses image compression to form empty capacity. *Ichimura* does not show, teach or suggest being directed to delete an image as claimed in claims 1 and 4.

Furthermore, column 18, lines 52-55 of *Ichimura* merely discloses compressing data when a preset time has elapsed. Nothing in *Ichimura* shows, teaches or suggests that based upon a direction to delete an image, the image is instead compressed as claimed in claims 1 and 4. Rather, *Ichimura* merely discloses compressing an image based upon an elapse of time (elapse of time in *Ichimura* causes compression of data, whereas as claimed in claims 1 and 4, a direction to delete an image causes compression of data).

In addition, column 19, lines 17-18 of *Ichimura* state that "when . . . preset time is set for one month, the compression process start request is generated one month after the storage start time." However, as claimed in claims 5, 8, 10 and 12, different types of processing to be executed for an image is commanded by an indicator. However, *Ichimura* merely discloses a time lapse starts one type of processing (i.e., compression) whereas in the claimed invention, different types of processing is commanded.

Also, *Ichimura* merely discloses at column 18, lines 52-55 compressing data when the level of importance is low. However, as claimed in claims 5, 8, 10 and 12, rank data is set according to the number of times the different types of processing is commanded. In other words, *Ichimura* merely discloses compressing data when the importance is low, i.e., based on time. The present invention as claimed in claims 5, 8, 10 and 12 sets rank based upon the number of times different processing is commanded and not based upon importance/lapse of time, as in *Ichimura*. As

discussed above, *Ichimura* implies that old data is less important and thus subject to compression, whereas as claimed in claims 5, 8, 10 and 12, rank is set based upon the number of times processing is commanded, and thus even old data which is processed a lot of times will have a high rank.

Finally, *Ichimura* merely discloses at column 24, lines 33-38 that during compression of image data, dynamically changing one of a) storage time, b) compression ratio of intra-frame compression, c) compression ratio of inter-frame compression, d) time gap of intermittent recording, e) color data thinning ratio and f) brightness data thinning ratio. In other words, *Ichimura* teaches dynamically changing the compression ratio but does not show, teach or suggest how the compression ratios are changed or what the change is based upon. Thus nothing in *Ichimura* shows, teaches or suggests changing a compression ratio based upon an elapsed time since the different types of processing were commanded, as claimed in claims 5 and 8. Rather, *Ichimura* merely discloses dynamically changing the compression ratio but does not show, teach or suggest what the change is based upon.

Since nothing in *Ichimura* shows, teaches or suggests the primary features as claimed in claims 1, 4, 5, 8, 10 and 12 as discussed above, applicants respectfully request the Examiner withdraws the rejection to claims 1, 4, 5, 8, 10 and 12 under 35 U.S.C. §102(b).

Claims 2, 6-7, 9, 11 and 13 depend from claims 1, 5, 8, 10 and 12 and recite additional features. Applicants respectfully submit that claims 2, 6-7, 9, 11 and 13 would not have been anticipated by *Ichimura* within the meaning of 35 U.S.C. §102(b) at least for the reasons as set forth above. Therefore, Applicants

respectfully request the Examiner withdraws the rejection to claims 2, 6-7, 9, 11 and 13 under 35 U.S.C. §102(b).

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

Buchanan Ingersoll PC.

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